

Message Text

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ORIGIN EUR-25

INFO OCT-01 ISO-00 L-03 CG-00 EPA-04 INT-08 AID-20 CEQ-02

CIAE-00 COA-02 COME-00 DODE-00 EB-11 INR-10 IO-14

NSF-04 NSC-10 NSAE-00 PM-07 RSC-01 SCI-06 SS-20

SPC-03 FMC-04 DLOS-06 DOTE-00 /161 R

DRAFTED BY EUR/CAN:EVNEF:PB

APPROVED BY EUR/CAN:EMBROWN

L/EUR - MR. CROOK (DRAFT)

USCG - LT. HOLT (SUBSTANCE)

EPA - MR. GEBHARDT (PHONE)

----- 081507

R 252100Z OCT 73

FM SECSTATE WASHDC

TO AMEMBASSY BRUSSELS

AMEMBASSY LONDON

INFO AMEMBASSY OTTAWA

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E.O. 11652: N/A

TAGS: SENV CA

SUBJ: OIL SPILL CONTINGENCY PLAN

FOR EPA ADMINISTRATOR RUSSELL TRAIN

1. CANADIAN EMBASSY HAS INFORMED DEPARTMENT THAT CANADIAN MINISTER OF ENVIRONMENT JACK DAVIS WANTS TO MEET WITH MR. TRAIN DURING IMCO SESSION, AND INTENDS TO RAISE OIL SPILL CONTINGENCY PLAN. FOLLOWING IS STATUS OF PLAN:

A) SUBSEQUENT TO TRAIN-DAVIS MEETING LAST APRIL, USCG AND CANADIAN MINISTRY OF TRANSPORT COMPLETED PRELIMINARY NEGOTIATIONS OF OIL SPILL CONTINGENCY PLAN.

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B) IN COURSE OF CLEARANCE OF PLAN BY INTERESTED AGENCIES, DEPT MADE AWARE THAT WHILE MOST PROVISIONS OF PLAN PERFECTLY ACCEPTABLE AND COMMENDABLE, TENTATIVELY AGREED "LINES OF DEMARCATION" FOR ZONES

OF RESPONSIBILITY IN SEAS BEYOND TERRITORIAL LIMITS CORRESPOND WITH CANADIAN JURISDICTIONAL CLAIMS TO CONTINENTAL SHELF IN THE GULF OF MAINE, AND WAS INCONSISTENT WITH U.S. POSITION REGARDING MACHIAS SEAL ISLAND AND NORTH ROCK. CANADIANS HAVE COUNTERED THAT PLAN CONTAINS "DISCLAIMERS" BUT US LEGAL OPINION MAINTAINS SUCH DISCLAIMERS DO NOT ADEQUATELY PROTECT US INTERESTS, AND THAT ACCEPTANCE OF PROPOSED LINE OF DEMARCATION IMPLIES RECOGNITION OF THAT LINE WHICH COULD UNDERMINE US CONTINENTAL SHELF AND JURISDICTIONAL POSITIONS.

C) DRAFT PLAN REQUIRES US TO FUND CANADIAN CLEANUP OPERATIONS IN US AREA OF RESPONSIBILITY BEYOND 12 MILES; US LACKS STATUTORY AUTHORITY TO DO SO. THIS DETAIL MUST BE RENEGOTIATED TO REFLECT THIS LIMITATION, ALTHOUGH IF NECESSARY US MIGHT SEEK ADDITIONAL LEGISLATION TO EXTEND FUNDING AUTHORITY.

D) MEANWHILE, CANADIANS BECAME ANXIOUS ABOUT DELAY AND WROTE DEPARTMENT ON JULY 17 ASKING REASONS FOR IT.

E) US REPLY ON AUGUST 17 CITED FOREGOING POINTS AND SUGGESTED THAT AS ALTERNATIVE TO PROPOSED LINES, US AND CANADA AGREE TO JURISDICTIONAL LINES FOR OIL SPILL PLAN WHICH CORRESPOND WITH ALREADY EXISTENT AIR AND SEA RESCUE LINES.

F) CANADIANS HAVE INDICATED DISLIKE FOR US SUGGESTION IN LETTER DATED OCT. 5 AND HAVE ASKED THAT WE RECONSIDER OUR POSITION.

2. IF DAVIS DOES RAISE SUBJECT, SUGGEST FOLLOWING POINTS BE MADE:

A) US PROPOSAL FOLLOWS ALREADY AGREED UPON LINES, AND LIMITED OFFICIAL USE
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DOES NOT FOLLOW ANY LINES US OR ANY OTHER NATION HAVE USED TO MAKE CLAIMS TO HIGH SEAS OR CONTINENTAL SHELF.

B) US CANNOT ACCEPT CANADIAN LINES SINCE THEY SO CLEARLY ARE BASED ON CANADIAN CLAIMS TO CONTINENTAL SHELF WHICH WE DO NOT ACCEPT.

C) LIMITATION ON US STATUTORY AUTHORITY NECESSITATES RENEGOTIATION OF FUNDING RESPONSIBILITIES.

3. FYI. US PREPARED TO ACCEPT SOME OTHER NEUTRAL LINES BUT PRESUMABLY SUCH A LINE WOULD HAVE TO BE NEGOTIATED

WITH CANADIANS. END FYI.

4. USCG CAPT. WALLACE AT IMCO CONFERENCE AND SHOULD BE
ABLE TO PROVIDE ANY ADDITIONAL BACKGROUND NEEDED. KISSINGER

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